



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

AUG 3 0 2005

OFFICE OF PETITIONS

Bernard Malina
Bernard Malina, Esq.
Malina & Wolson
60 East 42nd Street
New York NY 10165-0501

In re Application of
COHEN
Application No.: 09/760,277
Attorney Docket No.: MS-678

: DECISION on PETITION
:
: UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under 37 CFR 1.137(b), filed 21 January 2005 to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to Notice to File Corrected Application Papers mailed February 22, 2001, which set a period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned at midnight on April 22, 2001. A Notification of Abandonment was mailed on June 5, 2003.

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy requirement (2) above. A petition fee of \$685 was submitted and is insufficient. The requisite petition fee, effective 08 December 2004, for a petition to revive unintentionally abandoned application is \$1500 (\$750 for a small entity). Applicant did not provide an authorization to charge fees to his deposit account. Without payment of the full petition fee, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: 571-273-
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22313

Telephone inquiries concerning this decision should be directed to Cynthia Kratz at (571) 272-3286 or in her absence, the undersigned at (571) 272-3217.


Brian Hearn
Petitions Examiner
Office of Petitions